

# **BSB Communications**

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May 18, 1995

William Caton  
Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, DC 20554

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MAY 26 1995

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Re: Correction to previous comments filed by Tony Bono in Docket No. 95-31, Reexamination of the Comparative Standards for New Noncommercial Educational Applicants; Retraction of previous comments and filing corrected copy. Disregard previous filing.

To: The Commission

From: Tony Bono, BSB Communications

Dear Mr. Caton,

On May 11, 1995 I filed comments with the Commission in reference to NPRM Docket No. 95-31, Reexamination of the Comparative Standards for New Noncommercial Educational Applicants. The previous comments are dated May 10, 1995. I filed my personal comments erroneously, accidentally using KSBJ stationary, where I am employed, and identifying myself as Technical Operations Director. My comments were personal and I do not wish to imply that these comments represent the views of KSBJ Humble, Texas.

I wish to retract my comments as filed in order to file a corrected version using my personal stationary as d/b/a BSB Communications. I hereby withdraw my previous comments and now file a corrected copy replacing the text portion of the comments as well. I ask that these new comments be made part of the file while disregarding the earlier comments filed May 11.

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I have been advised by the General Manager of KSBJ that the board intends to file their own separate comments and that any comments made on my behalf are personal and do not reflect the views of KSBJ.

I apologize for this mistake and hope this correction will clear any misconceptions. Enclosed is an original and fourteen copies including copies of this cover letter. Thankyou for your cooperation.

Cordially,

A handwritten signature in cursive script that reads "Tony Bono".

Tony Bono  
BSB Communications

BEFORE THE  
**FEDERAL COMMUNICATIONS COMMISSION**

WASHINGTON, D.C.

In The Matter Of

Reexamination of the Comparative  
Standards for New Noncommercial  
Educational Applicants

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MM Docket No. 95-31

To: The Commission

From: Tony Bono, BSB Communications  
22818 Treehouse, Spring TX 77373

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**COMMENTS**

These comments have been refiled as I ask the Commission to disregard my previous comments which were filed erroneously with letterhead of my employer. I file these comments as my own personal comments and ask that I may retract the previous. I had intended these comments to be personal, but accidentally used the wrong letterhead and identified myself in my position at my place of employment. I now file these comments as intended, personal, in behalf of my own d/b/a, BSB Communications. I do not wish these comments or the previous to be misconstrued to represent the views of my employer. They are my own.

Regarding the questions asked by the Federal Communications Commission in relation to NCE comparative criteria I submit the following comments. The traditional comparative criteria does have some merit, in particular the coverage factor and the nondiscriminatory aspect relating to educational programming content in comparative application determinations. I submit responses to some questions asked in the NPRM, additionally I submit criteria which I believe should be considered.

Auxiliary power should not be considered as a criterion. This does not address any key issue of public interest, in my opinion. I do believe the applicant with maximum coverage should have some preference. There should be a preference for maximum coverage of population while considering maximum power and tower height (distance to 60 dbu contour). For example: if one applicant proposed a Class A which covered 200,000 population and another proposed a Class C2 which covered 100,000 population, I believe the applicant with the greater population should have the advantage. In cases where population were the same then the applicant with the larger facility should have the advantage. I also think "first local service" should be a criteria and as well as "first NCE service" to a community.

Concerning the APTS/NPR proposal suggesting that preference be given to applicants with a broadly representative board is unfair. If the applicant plans to operate in the best public interest of the community, whether it be one person or a group, should not influence a determination. One individual may be able to provide a service to a community that another group could not. That one voice could provide unique programming to a community and increase radio listening diversification. Having a board should not give any advantage. That, I believe, is a form of discrimination. In the application process commercial applicants have no advantage as a group and I think this should also be the rule in the NCE band. There should be other determining criteria.

Common ownership should not be viewed as a negative. A group of NCE stations may be able to "pool" together to offer programming not otherwise economically feasible. Group ownership should not disadvantage applicants, neither should non-local applicants.

APTS/NPR states that the FCC should examine which applicant will best integrate the station operations with its educational and cultural objectives. I believe that educational objectives are important, yet which educational aspects are better in a comparative situation is entirely subjective. The Commission should not be about deciding which educational objectives are "more" important. I believe this also would be discriminatory. Because of first amendment rights there should not be a preference for one educational objective over another. Whether it is cultural, historical, political, formal, community, or religious education should not determine the decision on which applicant is awarded a frequency. Who is to say which

**"type" of educational approach better provides a community with another NCE voice. Favoring one type of education over another is discriminatory and would be an unfair preference. Perhaps unique programming would be overlooked because of adherence to criteria regarding certain educational approaches as better than others. Having an educational objective is adequate enough when applying for an NCE channel, frequencies offered for public use. It is the licensee's responsibility to maintain communication with the community to ascertain the needs of the community and to determine how the station can inform the public of those needs. It is also the station's responsibility, in its own unique way, to do its part in helping the community with public service.**

**Applicants should state educational objectives, yet there should not be an unfair preference for certain kinds of educational approaches. The comparative criteria should give preference in some other regard. Applicants should exhibit a plan for serving the needs of the community, yet that should not be a part of the comparative criteria.**

**I am against a point system as suggested by NFCB, however I believe the following criteria should be preferential in a comparative decision:**

**Finder's Preference  
First Local Service  
First NCE Service  
Spectrum Efficiency, Maximum Coverage**

**Since the airwaves are public domain, there should be a preference for those who find a usable channel and maximize its potential. First local service and first NCE service would encourage providing new service to unserved areas. Diversification should be encouraged yet not limiting.**

**Respectfully submitted,**



**Tony Bono  
BSB Communications**